

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

ACE OILFIELD RENTALS, LLC,                          )  
  )  
  )  
Plaintiff,    )  
  )  
  )  
v.   )    Case No. CIV-15-672-D  
  )  
  )  
WESTERN DAKOTA WELDING                            )  
AND FABRICATION, LLC, *et al.*,                    )  
  )  
  )  
Defendants.    )

**O R D E R**

Upon review of the Notice of Removal, the Court finds insufficient factual allegations to support the assertion of federal subject matter jurisdiction under 28 U.S.C. § 1332.<sup>1</sup> Plaintiff Ace Oilfield Rentals, LLC and Defendant Western Dakota Welding and Fabrication, LLC are alleged to be limited liability companies. A limited liability company is not treated like a corporation under 28 U.S.C. § 1332(c)(1), but like a limited partnership or other unincorporated association under *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990).

*See Siloam Springs Hotel, L.L.C. v. Century Surety Co.*, 781 F.3d 1233, 1237-38 (10th Cir. 2015). The Notice of Removal contains no information concerning the members of the limited liability companies and, therefore, fails to allege the citizenship of these parties or to establish complete diversity of citizenship.

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<sup>1</sup> The Court has “an independent obligation to determine whether subject-matter jurisdiction exists” and may raise the issue *sua sponte* at any time. *Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir. 2006).

IT IS THEREFORE ORDERED that Defendant Western Dakota Welding and Fabrication, Inc. shall file an amended notice of removal to allege the existence of diversity jurisdiction within 14 days from the date of this Order.<sup>2</sup>

IT IS SO ORDERED this 26<sup>th</sup> day of June, 2015.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> Defendant need not re-file the exhibits attached to the Notice of Removal but may incorporate them by reference pursuant to Fed. R. Civ. P. 10(c).